

LAWRENCE W. RADER
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SYSCO FOOD SERVICES OF METRO
NEW YORK, LLC,

Plaintiff,

08 CV 02958 (BSJ)

-against-

NOTICE OF CROSS-MOTION

JEKYLL AND HYDE, INC., DEACON BRODY
MANAGEMENT INC. d/b/a JEKYLL &
HYDE GREENWICH VILLAGE and DONALD
R. FINLEY, BAYVILLE ENTERTAINMENT INC.
d/b/a BAYVILLE ADVENTURE PARK, SIXTH
AVENUE FOOD SERVICES LTD., NEW CASTLE
FOODS INC., DAVEY JONES LOCKER
MANAGEMENT, INC. d/b/a SHIP WRECK
TAVERN, AND 186 WEST 4TH ST. MANAGEMENT
CO. INC. d/b/a OLIVERS BAR AND GRILL,

Defendants.

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Upon the declaration of Lawrence W. Rader, dated June 15, 2009, defendants hereby cross-move this Court, Hon. Barbara Jones, U.S.D.J., at the Courthouse, 500 Pearl Street, New York, New York 10007, for an order pursuant to 28 U.S.C. § 1332 and F.R.Civ.P. 12(b)(1), 12(b)(6) and 12(c), dismissing the Second, Third, Fifth, Sixth and Seventh Counts of the complaint on the ground that they fail to allege the minimum jurisdictional amount of \$75,000, and dismissing the Eighth and Ninth Counts on the ground that they fail to state a claim upon which relief can be granted.

Dated: New York, New York
June 15, 2009

Lawrence W. Rader
LAWRENCE W. RADER